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Security Council

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Letter dated 15 September 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the conclusions on Darfur/Sudan adopted by the European Union External Relations Council at its meeting on 13 September (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dirk Jan **van den Berg**
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to the United Nations

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Annex to the letter dated 15 September 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Council conclusions on Darfur

1. The Council recalls its Conclusions of 12 and 26 July and calls upon the Government of Sudan and the SLM/A and the JEM to meet the demands set out therein. It reiterates that the fulfilment of these demands will influence future relations between the Sudan and the EU.

2. The Council welcomes the report of the UN Secretary General (UNSG) presented by Special Representative of the SG (SRSG) Jan Pronk on 2 September in the UN Security Council (UNSC) and expresses concern that the report documented incomplete compliance by the Government of Sudan with Security Council Resolution 1556. It urges the Government of Sudan to fully implement all of the commitments made to the UNSG, and to fully co-operate with his SRSG.

3. The Council remains extremely concerned about the situation in Darfur, in particular about continuing heavy fighting and attacks on civilians. The Council urges all parties to exercise utmost restraint and to fully respect the N'djamena cease-fire agreement. In this context, it appeals to all parties to publicly confirm an immediate moratorium on military operations in Darfur in contravention of the cease-fire agreement.

4. The Council notes with satisfaction the deployment of UN human rights monitors in Darfur, and appeals to all parties to fully co-operate with them. In this context, the Council reiterates its support for the recommendations of the Office of the High Commissioner for Human Rights. The Council would welcome steps by the UNSG to establish as soon as possible an international commission of inquiry in order to immediately investigate all violations of human rights and humanitarian law in Darfur, and to determine whether acts of genocide have occurred. The Council urges the Government of Sudan to ensure that there is no impunity, including by bringing to justice those militia leaders or Army Officers suspected of serious human rights and humanitarian law violations, and allowing the UN monitors to conduct investigations.

5. With reference to point 6 of the Conclusions of 12 July, the Council has come to the following preliminary conclusions, partly based on the above mentioned report.

- The Government of Sudan has taken steps to implement the N'djamena and Addis Ababa Agreements.
- Humanitarian access has improved since the Joint Communiqué between the Government of Sudan and the UNSG was issued.
- The Government of Sudan and the SLM/A and the JEM have positively engaged in negotiations in Abuja, which should rapidly bring concrete results.
- There are no reports of forced return of IDPs and refugees, and this is in keeping with the commitment made by the Government of Sudan. There are, however, reports that local authorities in some areas apply pressure directly or indirectly through community leaders.
- Regarding the immediate and unconditional disarmament and the neutralisation of the armed militia, the Council concludes that there is no indication that the Government of Sudan has taken real and verifiable steps to disarm and neutralise these militia and the Janjaweed. Reports that members of the militia have been integrated into the military forces are of grave concern. The security situation for civilians has improved in and around the IDP camps, but remains problematic elsewhere. Contrary to various announcements by the Government of Sudan, there are reports about continuing massive and severe human rights violations by the armed militia, including systematic rape of women.

6. In close co-ordination with the UN, the Arab League, the US, and other important international actors, the EU stands ready to further support the AU mission. The Council welcomes the UNSG's proposal to the AU for an expansion of the AU mission in Darfur. The SG/HR has discussed with President Konare the scope for an EU contribution to this mission. The Council welcomes the AU's agreement in principle to prepare for an EU Fact Finding Mission in order to determine how the EU might support an expanded AU presence, including, on the basis of AU requests, through a police strengthening mission. The Council requests the SG/HR to maintain close contact with the AU to facilitate this Fact Finding Mission, including via a early further visit to the region by his Personal Representative on Sudan.

7. The Council fully supports the action of the AU in the Abuja talks and urges the Government of Sudan, the SLM/A and the JEM to negotiate in good faith and with a sense of urgency. The Council appeals to all political actors in the region to use their influence on the Sudanese parties to facilitate these talks. As regards the Darfur talks, an early agreement on security is of utmost importance in order to avoid a further deterioration of the situation on the ground. In this context, the Council urges the Government of Sudan to take actions on the disarmament of militia.

8. The Council reiterates that cantonment of the SLM/A and the JEM represents a critical element in achieving a return of peace and stability in Darfur, and calls upon the SLM/A and the JEM for its swift implementation.

9. The Council is concerned that the peace process between the Government of Sudan and the SPLM/A ("Naivasha process") needs to be re-invigorated. It therefore urges both parties to resume discussions on the outstanding technical aspects and to conclude a comprehensive agreement as soon as possible.

10. In the immediate future the EU will:

- continue to impress on the Government of Sudan and the SLM/A and the JEM the urgency to meet the demands contained in the Council Conclusions of 12 and 26 July 2004 and in UNSC Resolution 1556;
- take appropriate measures, including sanctions, against the Government of Sudan and all other parties, in accordance with the UNSC Resolution 1556, if no tangible progress is achieved in this respect;
- increase its humanitarian support, both financially and in terms of logistics, while encouraging other donors to provide additional support for humanitarian operations;
- continue and increase, based on AU requests, its support to the AU mission in Sudan, and impress on the Government of Sudan to accept proposals by the AU to strengthen and enhance its mission in Darfur;
- remain actively involved in the process of political negotiations;
- continue to urge the Government of Sudan and the SPLM/A to finalise the Naivasha process;

- closely co-operate with the AU, UN, the Arab League and the US with a view of harmonising international efforts to contain and resolve the conflict in Darfur;
- continue to support the efforts of the UN, in particular by the SRSG;
- actively contribute to the work of the Joint Implementation Mechanism
- continue to support UN efforts to monitor and gather information on human rights violations, including allegations of genocide.